

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

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|---------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA, |) | No. CR-13-00511 JSW |
| |) | |
| Plaintiff, |) | ORDER DETAINING DEFENDANT |
| |) | MOISES GARCIA PENDING TRIAL |
| v. |) | |
| |) | |
| MOISES GARCIA, |) | |
| |) | |
| Defendant. |) | |
| |) | |
| |) | |
| |) | |

Defendant Moises Garcia is charged in an indictment with conspiracy to possess with the intent to distribute and to distribute methamphetamine, in violation of 21 U.S.C. §§ 846, 841(a)(1),(b)(1)(A)(viii). The United States moved for defendant's detention pursuant to 18 U.S.C. § 3142, and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). Given the nature of the crimes charged, there is a rebuttable presumption in this case that no conditions or combination of conditions will reasonably assure the appearance of defendant as required and

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1 the safety of any other person and the community. See 18 U.S.C. § 3142(e)(3)(A). On August
2 28, 2013, following a hearing pursuant to 18 U.S.C. § 3142(f), and considering the Pretrial
3 Services report, the indictment filed in this case, the proffers by both parties, and the factors set
4 forth in 18 U.S.C. § 3142(g), the Court ordered defendant detained, as no condition or
5 combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure the appearance of
6 defendant as required and the safety of any other person and the community. See 18 U.S.C. §§
7 3142(e) and (f); United States v. Motamedi, 767 F.2d 1403, 1406 (9th Cir. 1985). Specifically,
8 the Court noted defendant's significant ties to Mexico and the lack of a viable surety.

9 However, in the event that the defendant believes he has obtained an appropriate surety,
10 the Court instructed the parties to meet and confer and place the matter back on the Court's
11 calendar for a further detention hearing.

12 ORDER

13 Defendant is ordered detained as no condition or combination of conditions in 18 U.S.C.
14 § 3142(c) will reasonably assure the appearance of defendant as required and the safety of any
15 other person and the community.

16 Defendant is committed to the custody of the Attorney General or a designated
17 representative for confinement in a corrections facility separate, to the extent practicable, from
18 persons awaiting or serving sentences or held in custody pending appeal. See 18 U.S.C. §
19 3142(i)(2). Defendant must be afforded a reasonable opportunity to consult privately with
20 counsel. See 18 U.S.C. § 3142(i)(3). On order of a court of the United States or on request of an
21 attorney for the government, the person in charge of the corrections facility must deliver
22 defendant to the United States Marshal for a court appearance. See 18 U.S.C. § 3142(i)(4).

23 IT IS SO ORDERED.

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26 DATED: August 29, 2013



HONORABLE DONNA M. RYU
UNITED STATES MAGISTRATE JUDGE